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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,120	12/21/2001	Jean Alain Chabas	FR 000147	3202

7590 05/24/2004

Corporate Patent Counsel  
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EXAMINER
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DEAN, RAYMOND S

ART UNIT	PAPER NUMBER
2684	8

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/028,120

**Applicant(s)**

CHABAS, JEAN ALAIN

**Examiner**

Raymond S Dean

**Art Unit**

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7, 5
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsen (WO 00/54539) in view of Walton et al. (US 2002/0154705 A1).

Regarding Claim 1, Larsen teaches a telecommunications device for a system comprising at least a base station and a plurality of secondary stations including circuits for relaying information (Figure 2, Page 2 lines 1 – 3, Page 4 lines 26 – 28, Page 5 lines 1 – 5).

Larsen does not teach secondary stations comprising a plurality of transceiver devices for exchanging information with other stations (base stations and/or secondary stations).

Walton teaches secondary stations comprising a plurality of transceiver devices for exchanging information with other stations (base stations and/or secondary stations) (Section 0031 lines 1 – 3, Section 0034 lines 4 - 5, Section 0036, Section 0056 lines 1 – 4, the second system is a MIMO device thus said system comprises a plurality of transceivers).

Larsen and Walton both teach a wireless a data system comprising a plurality of subscriber units thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the plurality of transceiver devices taught in Walton in the wireless system of Larsen for the purposes of improving both the reliability and increasing the capacity of the communications link between the subscriber units and base stations.

Regarding Claim 2, Larsen in view of Walton teaches all of the claimed limitations recited in Claim 1. Larsen further teaches an ODMA system (Page 4 lines 26 – 28, Page 5 lines 1 – 5).

Regarding Claim 3, Larsen in view of Walton teaches all of the claimed limitations recited in Claim 1. Walton further teaches a MIMO-type (Section 0056 lines 1 – 4).

Regarding Claim 4, Larsen in view of Walton teaches all of the claimed limitations recited in Claim 1. Larsen further teaches circuits for relaying information (Figure 2, Page 2 lines 1 – 3, Page 4 lines 26 – 28, Page 5 lines 1 – 5). Walton further teaches secondary stations comprising a plurality of transceiver devices for exchanging information with other stations (base stations and/or secondary stations) (Section 0031 lines 1 – 3, Section 0034 lines 4 - 5, Section 0036, Section 0056 lines 1 – 4, the second system is a MIMO device thus said system comprises a plurality of transceivers).

Regarding Claim 5, Larsen in view of Walton teaches all of the claimed limitations recited in Claim 4. Larsen further teaches an ODMA system (Page 4 lines 26 – 28, Page 5 lines 1 – 5).

Regarding Claim 6, Larsen in view of Walton teaches all of the claimed limitations recited in Claim 1. Walton further teaches a step according to which the secondary stations carry out space-diversity transmission and also space-diversity reception (Section 0034 lines 4 – 5, Section 0043 lines 1 – 3, Section 0043 lines 7 – 14, Section 0056 lines 1 – 4).

**Conclusion**

3. Any inquiry concerning this communication should be directed to Raymond S. Dean at telephone number (703) 305-8998.

If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology center 2600 only)

Hand – delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER

